

REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS DECEMBER 17, 2012

The Rush County Board of Commissioners met in regular session, Monday, December 17, 2012 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Deborah Adams, Auditor, and Leigh Morning, County Attorney in attendance.

Commissioner Tom Barnes called the meeting to order. Ken Masters made the motion to approve the minutes of the regular meeting of December 3, 2012 meeting as presented. Marvin Cole seconded the motion. Motion carried.

SUPERIOR COURT

Superior Court Judge Brian Hill and Chief Probation Officer Mark Fields appeared before the commissioner's to discuss youth detention centers.

Cedarbridge Treatment Centers, LLC, located in Muncie offered an agreement for \$105.00 per diem for 180 bed days. Judge Hill stated that this was the first year with Cedarbridge and it has been a good experience for everyone.

Judge Hill discussed another option of the Wernle House located in Richmond. The facility is new and will open in January of 2013. The agreement would be open ended with a \$130.00 per diem.

Tom Barnes commented that the proposal from Wernle was more of a proposal and not in the form of a binding contract, but only an agreement. Barnes shared his concerns that the document should be written as a contract for the commissioners to sign.

Barnes questioned County Attorney Leigh Morning if she had reviewed both documents. Morning responded that yes she had prior to forwarding them to each of the commissioners.

Ken Masters made the motion that Judge Hill could sign off on the Wernle House agreement. The commissioners will sign a contract if it is presented. Marvin Cole seconded the motion.

Ken Masters made the motion to sign the Cedarbridge Treatment Centers, LLC Agreement. Marvin Cole seconded the motion. Motion carried.

COMMUNITY CORRECTIONS

Judge Brian Hill informed the commissioners that the Community Corrections grant was approved November 11, 2012. The Advisory Board met Wednesday, December 12, 2012 with fourteen of the sixteen members present.

Judge Hill stated that office space is needed. Judge Hill discussed the possibility of using part of the area in the Public Defender's Office. Judge Hill indicated that he has monies available in his budget.

Judge Hill mentioned the Mental Health office is located on the third floor that houses all the courts, as a possible site. Judge finished by stating that they are looking at four to six weeks out to hiring the position.

The commissioners responded in respect to the new incoming commissioners they would table the relocating of any office until 2013.

ADA

ADA Compliance Officer Kate Meyer came before the commissioners with ADA compliance documents for adoption.

Ordinance 2012-14 adopting the Americans with Disabilities Act Standards for Accessible Design Pedestrian Right-Of-Way Accessibility Guidelines were approved on a motion made by Marvin Cole. Ken Masters seconded the motion. Motion carried.

ORDINANCE 2012- 14

AN ORDINANCE ADOPTING THE AMERICANS WITH DISABILITIES ACT STANDARDS FOR ACCESSIBLE DESIGN AND PEDESTRIAN RIGHT-OF-WAY ACCESSIBILITY GUIDELINES

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled related to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that state and local governments adopt the Americans with Disabilities Act Standards for Accessible Design that provide accessibility through proposed structural modifications to remove accessibility barriers; and

WHEREAS, Title II of the ADA recommends that state and local governments adopt the Pedestrian Right-of-Way Accessibility Guidelines.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

1. The 2010 Americans with Disabilities Act Standards for Accessible Design ("ADAAG") and the 2011 Proposed Pedestrian Right-of-Way Accessibility Guidelines ("PROWAG") are hereby adopted.

2. This Ordinance is effective upon adoption.

Adopted this 17th day of December, 2012.

/s/Tom Barnes
Thomas H. Barnes

/s/ Marvin L. Cole
Marvin L. Cole

/s/Ken Masters
Ken Masters

ATTEST: /s/ Deborah C. Adams
Deborah C. Adams,
Rush County Auditor

Ordinance 2012-15 adopting the Americans with Disabilities Act Transition Plan was approved on a motion made by Ken Masters. Marvin Cole seconded the motion. Motion carried.

ORDINANCE 2012- 15

AN ORDINANCE ADOPTING THE AMERICANS WITH DISABILITIES ACT TRANSITION PLAN

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled related to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that state and local governments to adopt and implement a Transition Plan to determine the requirements to make their buildings, facilities and programs accessible for those with physical and mental disabilities.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

1. The Rush County Transition Plan is hereby adopted and shall be implemented simultaneously with this Ordinance.

2. This Transition Plan will be adopted and amended as needed and as required by law and by the needs of the residents and employees of Rush County, and by those that use Rush County's facilities, buildings and programs.

3. This Ordinance is effective upon adoption.

Adopted this 17th day of December, 2012.

/s/ Tom Barnes
Thomas H. Barnes

/s/ Marvin L. Cole
Marvin L. Cole

/s/ Ken Masters
Ken Masters

ATTEST: /s/ Deborah C. Adams
Deborah C. Adams,
Rush County Auditor

Ordinance 2012-16 adopting the Rush County Policy Effective Communication and Provision of Auxiliary Aids and Services for Persons with Disabilities was approved on a motion made by Marvin Cole. Ken Masters seconded the motion. Motion carried.

ORDINANCE 2012- 16

AN ORDINANCE ADOPTING THE RUSH COUNTY POLICY EFFECTIVE COMMUNICATION AND PROVISION OF AUXILIARY AIDS AND SERVICES FOR PERSONS WITH DISABILITIES

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled related to employment and access to public facilities and services; and

WHEREAS, Rush County desires to be compliant with the ADA, including adopting a policy for the use of auxiliary aids and services for employees and other persons wishing to access and use the County's facilities.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

1. The attached Rush County Policy on Effective Communication and Provision of Auxiliary Aids and Services for Persons with Disabilities is hereby adopted and implemented.
2. This Ordinance is effective upon adoption.

Adopted this 17th day of December, 2012.

/s/ Tom Barnes
Thomas H. Barnes

/s/ Marvin L. Cole
Marvin L. Cole

/s/ Ken Masters
Ken Masters

ATTEST:

/s/ Deborah C. Adams
Deborah C. Adams
Rush County Auditor

Ordinance 2012-17 adopting the use of Mobile Devices was approved on a motion made by Ken Masters. Marvin Cole seconded the motion. Motion carried.

ORDINANCE 2012- 17

AN ORDINANCE ADOPTING THE RUSH COUNTY POLICY FOR
USE OF MOBILE DEVICES

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled related to employment and access to public facilities and services; and

WHEREAS, Rush County desires to be compliant with the ADA, including adopting a policy for the use of mobile devices for employees and other persons wishing to access and use the County's facilities.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

1. The attached Rush County Policy for Use of Mobile Devices is hereby adopted and implemented.
2. This Ordinance is effective upon adoption.

Adopted this 17th day of December, 2012.

/s/Tom Barnes _____
Thomas H. Barnes

/s/ Marvin L. Cole _____
Marvin L. Cole

/s/ Ken Masters _____
Ken Masters

ATTEST:

/s/ Deborah C. Adams _____
Deborah C. Adams
Rush County Auditor

Ordinance 2012- 18 adopting a policy on Service Animals was approved on a motion made by Ken Masters. Marvin Cole seconded the motion. Motion carried.

ORDINANCE 2012- 18

AN ORDINANCE ADOPTING THE RUSH COUNTY POLICY ON SERVICE ANIMALS

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled related to employment and access to public facilities and services; and

WHEREAS, Rush County desires to be compliant with the ADA, including adopting a policy for the use of service animals for employees and other persons wishing to access and use the County's facilities.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

1. The attached Rush County Policy on Service Animals is hereby adopted and implemented.
2. This Ordinance is effective upon adoption.

Adopted this 17th day of December, 2012.

/s/ Tom Barnes
Thomas H. Barnes

/s/ Marvin L. Cole
Marvin L. Cole

/s/ Ken Masters
Ken Masters

ATTEST:

/s/ Deborah C. Adams
Deborah C. Adams
Rush County Auditor

AREA PLAN

Area Plan Director Kate Meyer sought approval on contracts going into the 2013 year for:

- Coor Consulting and Land Services Corporation contract was approved on a motion by Marvin Cole. Ken Masters seconded the motion. Motion carried.
- Gilda W. Caviness, Attorney at Law contract was approved on a motion by Ken Masters. Marvin Cole seconded the motion. Motion carried.
- Rogier and Associates, Plan Consultant contract was present for approval. John Saxon, area citizen, stated his objection to the approval of the contract. Tom Barnes asked John Saxon if he had went to the Area Plan Commission with his objection. Saxon responded that the Area Plan were well aware of his objections. Ken Masters proceeded and made the motion to approve the contract. Marvin Cole seconded the motion. Motion carried.

TREASURER

Treasurer Mary Ann Beard reported that tax collections were completed and 96% of the taxes were collected and distributed.

E.C.D.C.

E.C.D.C. President Terry Jobe reported that Executive Director Jim Finan has left to take another job. Jobe stressed that he wanted to keep the momentum going, due to having built a strong foundation.

SHERIFF

Sheriff Jeff Sherwood reported forty-five (45) inmates incarcerated in the Rush County jail.

Sherwood reported that masonry work was currently being done on the jail walls. The cost is \$5,000.00 and is being paid from Cum Cap Dev.

Sherwood shared his concerns regarding ProLiance billing on the sheriff garage.

HIGHWAY BIDS

- **FUEL** - One (1) bid received from Harvest Land Co-Op. Ken Masters made the motion to award the bid to Harvest Land. Marvin Cole seconded the motion. Motion carried.
- **CRUSHED GRAVEL** – Two (2) bids were received on crushed gravel from: Caldwell Gravel and Irving Materials. Three (3) bids were received for fill sand from Shelby Materials; Caldwell Gravel and Irving Material. Highway Superintendent Jerry Sitton recommended awarding the entire bid to Caldwell Gravel. Marvin Cole made the motion to award the bid to Caldwell Gravel. Ken Masters seconded the motion. Motion carried.
- **CRUSHED STONE** – Three (3) bids were received from Rush County Stone; Derbyshire and St. Paul Stone. Highway Superintendent Jerry Sitton recommended awarding the bid to all three bidders. Ken Masters made the motion to accept and award all three bids. Marvin Cole seconded the motion. Motion carried.
- **LIQUID ASPHALT** – Three (3) bids were received from Asphalt Materials, Marathon Petroleum Products and Terry Asphalt Materials. Highway Superintendent Jerry Sitton recommended awarding the bid to Asphalt Materials. Ken Masters made the motion to Asphalt Materials. Marvin Cole seconded the motion. Motion carried.
- **GUARD RAIL** – Two (2) bids were received from CPI, and Drew Corp. Highway Superintendent recommended awarding the bid to Drew Corp. Ken Masters made the motion to award the bid to Drew Corp. Marvin Cole seconded the motion. Motion carried.
- **ALUMINUM TYPE II PIPE** – Three (3) bids were received from CPI; Civil Construction and St. Regis. Highway Superintendent Jerry Sitton recommended taking the bids under advisement, allowing him the opportunity to review them in depth. Ken Masters made the motion to take the bids under advisement. Marvin Cole seconded the motion. Motion carried.

AUDITOR

Auditor Deborah Adams received approval of payroll ending December 21, 2012 on a motion by Marvin Cole. Ken Masters seconded the motion. Motion carried.

Bi-Weekly claims presented December 11, 2012 were approved on a motion by Ken Masters. Marvin Cole seconded the motion. Motion carried.

Surety Bonds presented for Jerry Sitton/Highway Superintendent; Marvin Rees/Surveyor; James L. Mayers/Investigator; Jeffrey Sherwood/Sheriff; Deborah Richardson/Clerk; Mary Ann Beard/Auditor; Sally Niedenthal/County Recorder; Phillip Caviness/Prosecutor and Mary Ann Bridges/Assessor. Marvin Cole made the motion to approve and sign the surety bonds. Ken Masters seconded the motion. Motion carried.

Adams reported that property tax collections have been settled and were distributed to all taxing units on December 14, 2012.

Adams reported that the mileage rate for 2013 is going up 1 cent. The mileage rate will be 46.5 cents beginning January 1, 2013

Adams finished by reporting that she is waiting on the state to send the 1782 budget order. It should arrive by Christmas.

MISC.

- EIDD - Ken Masters and Mayor Pavey will meet Tuesday with others to reorganize EIDD
- Reviewed EMS run reports received from AndersonTwp. Vol. Fire Dept and Rush Memorial Ambulance

Motion to adjourn was received from Ken Masters. Tom Barnes seconded the motion. Motion carried.

/s/Tom Barnes
Tom Barnes, Chairman

/s/Marvin Cole
Marvin Cole

/s/Ken Masters
Ken Masters

ATTEST:

/s/Deborah C. Adams
Deborah C. Adams, Auditor